

## Appendix 4

### Roles & Responsibilities within the Complaints Procedure

#### Complainant

The County Council provides the following guidance to complainants to assist in ensuring an effective response to his/her complaint and advises that he/she:

- Co-operate with the County Council in seeking a solution to the complaint;
- Express his/her complaint in full as early as possible;
- Respond promptly to requests for information or meetings or in agreeing the details of the complaint;
- Ask the Complaints Manager for assistance as needed; and
- Treat all those involved in the complaint with respect.

#### Complaints Manager

The regulations require the County Council to designate an officer, known as the Complaints Manager, to manage the Statutory Adult Social Care Complaints Procedure for Adults. However, this does not mean that one person is responsible for carrying out all actions.

The Complaints Manager will:

- Have sufficient clarity of purpose and authority to enable complaints to be dealt with effectively and speedily.
- Be independent of operational line management and of direct service providers (e.g. Primary Care and social work services).
- Take an active role in facilitating resolution of complaints and will identify appropriate colleagues and external people (including Investigating Officers and Advocates) to contribute to complaints work.
- Foster good working relationships with key bodies and through partner agencies.

#### Senior Managers

Senior Managers in the Directorate will undertake three key roles within the complaints procedure.

1. **Adjudicating Officer** - to consider the complaints, the Investigating Officer and Independent Person's findings, conclusions, and recommendations, and the complainant's desired outcomes. Normally an Assistant Director or Deputy Assistant Director.
2. **Local Authority Representative at the Panel Review** - This role refers specifically to the Stage 3 Review Panel and should ordinarily be filled by the same Senior Manager who acted as Adjudicating Officer. Where the Adjudicating Officer delegates this role, he should do so to a member of staff with sufficient status and authority in the Directorate to represent it.
3. **Director of Adult & Community Services** - The Director will respond to the complainant within 15 working days from the receipt of the Review Panel Hearing report informing them as to how the Directorate will respond to the recommendations and what action will be taken. If the Director deviates from

the panel's recommendations he/she should demonstrate the reasoning in the response.

### **Investigating Officers (IO's)**

The Investigating Officer has overall responsibility for investigating the complaint at Stage 2 and providing a comprehensive, open, transparent and fair consideration of the complaint. As well as preparing a clear investigation report, the IO is required to effectively liaise with the complainant and his/her advocate the Independent Person and the Complaints Manager as appropriate and identify solutions and recommendations and courses of action that will resolve the issues.

### **Review Panelists**

This applies at Stage 3 of the Complaints Procedure. The Panel consists of a Chair and two other people. The Chair should always be independent, as should at least one of the other two Panelists. The Directorate may wish to use an elected Member for the third Panelist.

The Chair and Independent Panelists should be neither an elected member nor an employee of the County Council, nor a spouse of an employee or member of the County Council. Former members of County Council staff should be considered eligible on a case by case basis.

### **Independent Chair of the Review Panel**

The Chair should be appointed by the Complaints Manager and their role is to chair the Panel meeting by ensuring that the complaint is heard in full, and manage the Panel's deliberations to produce a timely and full response to the complainant and Director of Adult & Community Services within five working days of the Panel meeting.